

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Alex L. Cava, being duly sworn, do hereby state the following is true to the best of my knowledge and belief:

INTRODUCTION AND AGENT BACKGROUND

1. I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws of the United States and duly authorized by the Attorney General to request an arrest warrant. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code. I have been employed as a Special Agent with the FBI since July 2017. I am currently assigned to investigate violations of Civil Rights statutes, including Hate Crimes, within the Norfolk Division of the FBI.
2. As a Special Agent, I have participated in all the normal methods of investigation, including electronic surveillance, physical surveillance, interviews of witnesses, execution of search and arrest warrants, and the use of confidential informants and cooperating witnesses. I have received specialized training in, and have participated in, criminal investigations involving violations of federal health care laws, civil rights violations, and associated crimes.
3. As part of a joint investigation with the City of Virginia Beach Police Department (VBPD) and the City of Virginia Beach Fire Department, your Affiant has been investigating John Malcolm BARESWILL for a violation of 18 U.S.C. § 844(e). Section 844(e) states that it is a felony crime to, “through the use of the mail, telephone ... or other instrument of interstate or foreign commerce, or in or affecting interstate or foreign commerce, willfully

make[] any threat ... concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building ... or other real or personal property by means of fire or an explosive.”

4. The facts in this affidavit come from my personal observations, my discussions with other investigating agents, officers, and analysts, my training and experience, my review of documents, and information obtained from witnesses. This affidavit is intended to show merely that there is probable cause for the requested criminal complaint and arrest warrant, and does not set forth all of my knowledge about this matter.

CASE INITIATION AND PROBABLE CAUSE

5. The investigation of BARESWILL was initiated on June 8, 2020, after the FBI was contacted by the VBPD and informed of a threat made against a Baptist church in the City of Virginia Beach (“the church”), which is in the Eastern District of Virginia. The church serves a predominantly African American congregation. On June 2, 2020, a leader of the church was one of several ministers who took part in a prayer vigil and peaceful demonstration, which included a moment of silence for George Floyd, in the Mount Trashmore area of Virginia Beach.
6. On June 7, 2020, a church member informed VBPD that on the morning of June 7, 2020, between approximately 10:00 AM and 11:30 AM, an unknown male (UM) caller had called the church’s land line telephone. The telephone call was answered by Witness 1, a member of the church, who placed the call on speakerphone, which allowed Witness 2, also a church member, to overhear the conversation. Three young children were also present. The UM stated words to the effect of “you [racial slur] need to shut up” and threatened to set fire to the church. Witness 1 and Witness 2 were both disturbed by the call and concerned for

their own safety and that of the church.

7. On June 7, 2020, VBPD obtained toll records for the church's land line telephone number. Only one number called the church's line between 10:00 AM and 11:30 AM on June 7, 2020. The incoming call to the church came from telephone number 757.705[REDACTED]. A records search showed that telephone number 757.705[REDACTED] had been used by John Malcolm BARESWILL of Catawba, North Carolina. Investigators determined that BARESWILL owned a local package delivery service in the City of Virginia Beach.
8. On June 9, 2020, investigators from the VBPD and the FBI made contact with BARESWILL outside his place of employment and conducted a consensual interview. BARESWILL confirmed that 757.705[REDACTED] was his personal mobile telephone number. BARESWILL acknowledged he had possession of his mobile telephone during the morning of June 7, 2020. BARESWILL showed investigators his mobile telephone and pointed out that unlocking it required entry of a four-digit code.
9. BARESWILL told investigators that he did not call any religious institution on June 7, 2020. He claimed that he was asleep during the time frame when the call was placed.
10. BARESWILL provided investigators written consent to search his mobile telephone. An FBI forensic examiner made a digital image of the phone. Upon review of the phone's contents, investigators discovered that BARESWILL recently had used his mobile telephone to search the internet for several phrases, including: "Who said all whites are racist," "Black Lives Matter protest held in Virginia," and "Who organized the protests from mount trashmore to town center." Furthermore, the review of the phone revealed that its user recently had searched for information about at least three predominantly African American religious institutions in the area, including the church that received the

threatening telephone call.

11. Records obtained from BARESWILL's mobile telephone service provider showed that an outgoing call was placed by that phone on June 7, 2020, at 10:44 AM, to the church's phone number. Telephone records of the church showed a corresponding incoming call from BARESWILL's mobile telephone number on June 7, 2020, at 10:44 AM. Furthermore, BARESWILL's mobile telephone records indicated that the prefix "*67" was used when the call was placed. The use of the *67 prefix code blocks the originating caller's telephone number from being identified by the receiving party's "Caller ID" function.

CONCLUSION

12. Based on the foregoing, I submit there is probable cause to believe that BARESWILL used a telephone, an instrument of interstate or foreign commerce, to willfully make a threat concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate any individual, or unlawfully to damage or destroy any building, by means of fire.

Respectfully submitted,



Special Agent Alex L. Cava
Federal Bureau of Investigation

Sworn and subscribed to before me on
June 11, 2020.

United States Magistrate Judge